

REMARKS

The Office Action mailed May 25, 2011 has been carefully considered together with each of the references cited therein. The remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Claims 1-6 and 11 stand rejected under 35 USC § 103(a) as being unpatentable over Friedrichsen (Heterocycles '1982) in view of Matyjas et al. (AUTEX Research, Journal Vol. 3, No. 2'2003). This rejection is respectfully traversed.

The Office starts by making the assumption that "Friedrichsen discloses mesoionic compounds which are known as pigments and dyes." This interpretation of Friedrichsen is, respectfully stated, incorrect.

The Friedrichsen reference does not teach, disclose or suggest anything concerning pigments or dyes. In contrast, the Friedrichsen reference is directed to theoretical contemplation of a peculiar bond and electronic properties of mesoionic compounds (see page 1142, conclusions). Respectfully stated, mesoionic compounds are not known as pigments and dyes. Moreover, one with ordinary skill in the art of dyes or pigments would not in any way be drawn to this Friedrichsen reference as it is entirely non-analogous art.

As the Office admits, Friedrichsen does not disclose that dimerization using a phenylene bridge, which results in improvement of color. The Office enlists the Matyjas reference to cure the deficiencies in Friedrichsen. The Office then concludes:

It would be obvious to modify the compounds of Friedrichsen by using a phenylene bridge as taught by Matyjas. One with ordinary skill in the art would have been motivated to modify the compounds of Friedrichsen to prepare the corresponding compounds and composition by Applicant, with reasonable expectation of obtaining the compound and composition comprising the phenylene bridge. Such modification of the compound would have been obvious to the skilled

chemist because the skilled artisan would have had the reasonable expectation of obtaining the compounds and composition.

With this conclusion Applicants cannot agree. The Matyjas reference is directed exclusively to the area of reactive dyes. According to Matyjas, the bridging group affects the degree of exhaustion and the degree of dye fixed on cellulous fiber (please see page 95, last three lines before Acknowledgements). Matyjas is silent of "improvement of color." Exhaustion from a dye bath and dye fixation on a fiber are relevant properties for soluble reactive dyes. However, they do not play any role for pigments. As a matter of fact, Matyjas is completely silent of the concept of pigments, and thus Matyjas is non-analogous art with respect to Applicants' claimed invention. Moreover, Matyjas is also different and distinct from the disclosure of Friedrichsen, making such references uncombinable in the manner proffered by the Office. As such, the ordinary artisan having a knowledge of Friedrichsen and Matyjas could not arrive at the instantly claimed invention and would not be motivated to do so as Friedrichsen is entirely silent with respect to pigments and dyes and Matyjas speaks to a phenylene bridge only in relation to specific soluble reactive dyes.

Claims 1-6 and 11 stand rejected under 35 USC § 103(a) as being unpatentable over Friedrichsen (Heterocycles '1982) in view of Hurter et al. (5,663,309). This rejection is respectfully traversed.

Applicants herein reference their position with respect to the Friedrichsen in the rejection of claim 1-6 and 11 over Friedrichsen in view of Matyjas. With regard to Hurter, the Office states "[i]t would have been obvious to modify the compounds of Friedrichsen by using a phenylene bridge as taught by Hurter." Applicants courteously cannot agree with this conclusion.

The Hurter reference is directed entirely to soluble azo dyes. The Hurter reference is completely silent of any specific effect involved with the presence of a phenylene bridging group. Specifically, Hurter is silent of "improvement of color."

Also, importantly, Hurter does not teach, disclose, suggest or intimate anything regarding pigments.


In consequence, one with ordinary skill in the art having a knowledge of these references would be in no way motivated to make the modification as proffered by the Office. Put simply, one with ordinary skill in the art dealing with the concept of ionic pigments would not approach the Friedrichsen article as Friedrichsen is entirely silent with respect to dyes or pigments. In addition, the ordinary artisan having knowledge of Hurter would not consider the teachings of such reference salient as Hurter is completely silent of pigments.

For at least the foregoing reasons, it is respectfully contended the 35 USC § 103 rejections have been traversed. In consequence, Applicants courteously solicit reconsideration and withdrawal of the rejections.

Applicants note claims 7-9 are in condition for allowance.

In view of the forgoing remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Office disagrees, the Examiner is invited to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,



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